



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable H. D. Garrett
County Attorney
Rains County
Emory, Texas

Dear Sir:

Opinion No. 0-5747

Re: May a person legally serve
as assistant County Super-
intendent while owning an
insurance agency which has,
prior to the induction of
the assistant into office,
written insurance on school
property, and which insurance
is still in force?

The above question is presented in your letter of
November 27th, 1943, addressed to Honorable Gerald C. Mann,
upon which you request the opinion of this department.

In connection with your question, you present the
following facts which we quote from your letter:

"His (County Superintendent) assistant superin-
tendent owns an insurance agency, and has some school
property insured, all of the policies having been
written prior to his becoming assistant superintend-
ent. None of the policies will expire prior to 1945,
and the assistant has not solicited school insurance
since entering office, nor does he propose to solicit
such insurance while in office. A question has been
raised as to whether he may legally serve as assist-
ant county superintendent and own the agency, having
such insurance in force, covering school buildings,
written prior to his induction into office."

We assume the assistant superintendent referred to
was employed by virtue of the authority vested in the County
Superintendent under Article 2700 Revised Civil Statutes, 1925.

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Such an assistant contemplated under this statute was held to be one whose duties are to be performed in connection with, and under the direction of the superintendent. Neeper vs. Stewart, 66 S. W. (2d) 812.

The fact that an assistant owns an insurance agency through which the insurance on school property is written prior to his employment by the County Superintendent, such would not constitute the employment illegal nor prohibit the owner of the agency from legally performing the duties of his employment as assistant County Superintendent.

Under your facts submitted, it is therefore the opinion of this department that your question be and it is answered in the affirmative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By



Wm. J. H. King
Assistant

WJRK:gm



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BY *BWB*
CHAIRMAN